

ENTERED

Harry G. C. Jannig
United States Bankruptcy Judge

STIPULATION AND AGREED ORDER EXTENDING STAY OF JUDGMENT—Page 1

Debtors”), hereby stipulate and agree as follows with Highland Capital Management, L.P. (the “Judgment Creditor”):

WHEREAS, on September 14, 2022, the Court, in the above styled and numbered Adversary Proceeding (the “Adversary Proceeding”), entered that certain *Judgment* at Docket No. 126 (the “Judgment”) against the Judgment Debtors and in favor of the Judgment Creditor;

WHEREAS, on October 11, 2022, the Court entered that certain *Agreed Order Conditionally Staying Judgment Pending Appeal* at Docket No. 141 (the “Stay Order”);

WHEREAS, the Stay Order provided for a conditional stay pending appeal of the Judgment provided that the Judgment Debtors posted certain security, or deposited funds into the Registry of the Court, by October 7, 2022: as to NexPoint, in the amount of \$898,464.00, and as to HCMFA, in the amount of \$1,878,217.60;

WHEREAS, on October 7, 2022, NexPoint filed that certain *Supersedeas Bond*, Bond No. SU 1188705 issued by Arch Insurance Company, to secure the Judgment in the amount of \$898,464.00, filed at Docket No. 139 (the “NexPoint Bond”), and on the same day HCMFA filed that certain *Supersedeas Bond*, Bond No. SU 1188704 issued by Arch Insurance Company, to secure the Judgment in the amount of \$1,878,217.60, filed at Docket No. 140 (the “HCFMA Bond”), and the Clerk received the originals of the NexPoint Bond and the HCMFA Bond on October 13, 2022 as noted at Docket Nos. 142 and 143;

WHEREAS, upon the filing of the NexPoint Bond and the HCMFA Bond, the collection and execution of the Judgment was stayed to the extent provided for in the Stay Order (the “Stay”);

WHEREAS, the Stay Order provides that the Stay shall terminate on March 15, 2024, unless the Judgment Debtors provide additional security by way of bond or cash deposit to extend the Stay past March 14, 2024;

WHEREAS, NexPoint represents that it has obtained an *Increase Rider* increasing the NexPoint Bond to \$927,696.00 (the “NexPoint Rider”), and HCMFA represents that it has obtained an *Increase Rider* increasing the HCMFA Bond to \$1,939,326.40 (the “HCMFA Rider”);

WHEREAS, the Judgment Creditor agrees that, upon filing of the NexPoint Rider, the Stay shall continue through March 14, 2025 as to NexPoint, and that, upon filing of the HCMFA Rider, the Stay shall continue through March 14, 2025 as to HCMFA.

II. ORDER

Having considered the above Stipulation, incorporating its definitions into this Order, and finding the Stipulation appropriate and lawful, it is hereby:

ORDERED that, provided that NexPoint files the executed NexPoint Rider on the docket of this Adversary Proceeding on or before March 14, 2024, the Stay shall continue through March 14, 2025 as to NexPoint; it is further

ORDERED that, provided that HCMFA files the executed HCMFA Rider on the docket of this Adversary Proceeding on or before March 14, 2024, the Stay shall continue through March 14, 2025 as to HCMFA; it is further

ORDERED that the Judgment Debtors shall, promptly after receipt of the NexPoint Rider and the HCMFA Rider, deposit the originals of the same with the Clerk of the Court; it is further

ORDERED that the Stay, as so extended through March 14, 2025, shall nevertheless and in all events terminate sooner and immediately: (i) if no appeal of the Judgment is filed appealing the District Court’s mandate affirming the Judgment to the United States Court of Appeals for the Fifth Circuit by the deadline for so doing, then fourteen (14) days after such deadline expires; and (ii) if such an appeal is timely filed with the United States Court of Appeals for the Fifth Circuit and that court issues a mandate affirming the Judgment prior to March 14, 2025, then the date on which such court issues said mandate; it is further

ORDERED that the Court shall retain jurisdiction to the maximum extent possible over this Order, including enforce the Judgment through all collection and other proceedings upon the expiration of the Stay, and to compel any surety on a supersedeas bond to pay such bond to the Judgment Creditor, including through the NexPoint Bond, the NexPoint Rider, the HCMFA Bond, and the HCMFA Rider.

END OF ORDER

AGREED:

MUNSCH HARDT KOPF & HARR, P.C. By: <u>/s/ Davor Rukavina</u> Davor Rukavina, Esq. Texas Bar No. 24030781 Julian P. Vasek, Esq. Texas Bar No. 24070790 4000 Ross Tower 500 N. Akard Street Dallas, Texas 75202-2790 Telephone: (214) 855-7500 Facsimile: (214) 978-4375 drukavina@munsch.com jvasek@munsch.com ATTORNEYS FOR NEXPOINT ADVISORS, L.P. AND HIGHLAND CAPITAL MANAGEMENT FUND ADVISORS, L.P.	PACHULSKI STANG ZIEHL & JONES LLP By: <u>/s/ John A. Morris (w/ permission)</u> Jeffrey N. Pomerantz (CA Bar No. 143717) John A. Morris (NY Bar No. 2405397) Gregory V. Demo (NY Bar No. 5371992) Hayley R. Winograd (NY Bar No. 5612569) 10100 Santa Monica Blvd., 13th Floor Los Angeles, CA 90067 Telephone: (310) 277-6910 Facsimile: (310) 201-0760 Email: jpomerantz@pszjlaw.com jmorris@pszjlaw.com gdemo@pszjlaw.com hwinograd@pszjlaw.com ATTORNEYS FOR HIGHLAND CAPITAL MANAGEMENT, L.P.
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Highland Capital Management, L.P.,
Plaintiff
Highland Capital Management Fund Advisor,
Defendant

Adv. Proc. No. 21-03010-sgj

CERTIFICATE OF NOTICE

District/off: 0539-3

User: admin

Page 1 of 2

Date Rcvd: Mar 15, 2024

Form ID: pdf001

Total Noticed: 4

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Mar 17, 2024:

Recip ID	Recipient Name and Address
dft	+ Highland Capital Management Fund Advisors, L.P., K&LGates LLP, c/o Stephen G. Topetzes, 1600 K Street, NW, Washington, DC 20006-2806
dft	+ NexPoint Advisors, L.P., K&L Gates LLP, c/o Stephen G. Topetzes, 1600 K Street, NW, Washington, DC 20006-2806

TOTAL: 2

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
ust	+ Email/Text: ustregion06.da.ecf@usdoj.gov	Mar 15 2024 21:48:00	United States Trustee, 1100 Commerce Street, Room 976, Dallas, TX 75242-0996
ust	+ Email/Text: ustregion07.au.ecf@usdoj.gov	Mar 15 2024 21:48:00	United States Trustee - AU12, United States Trustee, 903 San Jacinto Blvd, Suite 230, Austin, TX 78701-2450

TOTAL: 2

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Mar 17, 2024

Signature: /s/Gustava Winters

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on March 15, 2024 at the address(es) listed below:

Name	Email Address
A. Lee Hogewood, III	on behalf of Defendant NexPoint Advisors L.P. lee.hogewood@klgates.com,

District/off: 0539-3

User: admin

Page 2 of 2

Date Rcvd: Mar 15, 2024

Form ID: pdf001

Total Noticed: 4

matthew.houston@klgates.com;Sarah.bryant@klgates.com;Mary-Beth.pearson@klgates.com;litigation.docketing@klgates.com;Emily.mather@klgates.com;Artoush.varshosaz@klgates.com

A. Lee Hogewood, III

on behalf of Defendant Highland Capital Management Fund Advisors L.P. lee.hogewood@klgates.com, matthew.houston@klgates.com;Sarah.bryant@klgates.com;Mary-Beth.pearson@klgates.com;litigation.docketing@klgates.com;Emily.mather@klgates.com;Artoush.varshosaz@klgates.com

Davor Rukavina

on behalf of Defendant NexPoint Advisors L.P. drukavina@munsch.com

Davor Rukavina

on behalf of Defendant Highland Capital Management Fund Advisors L.P. drukavina@munsch.com

Julian Preston Vasek

on behalf of Defendant NexPoint Advisors L.P. jvasek@munsch.com, CourtMail@munsch.com

Julian Preston Vasek

on behalf of Defendant Highland Capital Management Fund Advisors L.P. jvasek@munsch.com, CourtMail@munsch.com

Juliana Hoffman

on behalf of Interested Party Committee of Unsecured Creditors jhoffman@sidley.com
txefilingnotice@sidley.com;julianna-hoffman-8287@ecf.pacerpro.com

Matthew A. Clemente

on behalf of Interested Party Committee of Unsecured Creditors mclemente@sidley.com
matthew-clemente-8764@ecf.pacerpro.com;efilingnotice@sidley.com;ebromagen@sidley.com;alyssa.russell@sidley.com;dtwomey@sidley.com

Paige Holden Montgomery

on behalf of Interested Party Committee of Unsecured Creditors pmontgomery@sidley.com
txefilingnotice@sidley.com;paige-montgomery-7756@ecf.pacerpro.com;spencer.stephens@sidley.com;ebromagen@sidley.com;efilingnotice@sidley.com

Thomas Daniel Berghman

on behalf of Defendant Highland Capital Management Fund Advisors L.P. tberghman@munsch.com,
amays@munsch.com,CourtMail@munsch.com

Thomas Daniel Berghman

on behalf of Defendant NexPoint Advisors L.P. tberghman@munsch.com, amays@munsch.com,CourtMail@munsch.com

Zachery Z. Annable

on behalf of Plaintiff Highland Capital Management L.P. zannable@haywardfirm.com

TOTAL: 12